IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2963 of 2005

Between:

1. S. Aruna Kumari, W/o.K. Srihari Rao,

Aged about 38 years, Occ: Conductor

E.No.358563, Jaggayyapet Depot, Krishna District

2. M.Mangamma, W/o.M.satyanarayana, aged 38 years

Occ: Conductor, E.No.358025, Jaggayapet, Depot Krishna District.

…. Petitioners

AND

The Regional Manager, A.P. State Road Transport

Corporation, Vijayawada, Krishna Region, Krishna District

....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the proceedings P3/813/01/2004 RM-KR, dated 15.10.2004 issued by the respondent insofar as the petitioners are concerned as arbitrary, illegal and unconstitutional violating the Art. 14 and 21 of the Constitution of India and set aside the same insofar as the petitioners are concerned and issue consequential direction directing the respondents to continue the petitioners as conductors in Jagayyapet Depot, Krishna Dist.

Counsel for the Petitioners: MR.P.V.KRISHNAIAH

Counsel for the Respondent: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court, at the admission stage, made the following :

ORAL ORDER:

This writ petition is filed challenging the Proceedings No.P3/813/01/2004 RM-KR, dated 15.10.2004 passed by the Personnel Officer, Krishna Region, APSRTC, Vijayawada transferring the petitioners to Gannavaram Depot.

Heard the learned counsel for the petitioners and the learned standing counsel for the respondent and perused the material on record.

The learned counsel for the petitioners has contended that because the transfer is made in the middle of the academic year, the studies of the petitioners' children will be affected, and therefore, he prays to quash the impugned order.

The learned standing counsel for the respondent has contended that the Personnel Officer, Krishna Region is effecting

transfers of certain Conductors as they are found surplus to the requirement and therefore, the petitioners have been transferred to various Depots and the impugned proceedings do not suffer from any legal infirmities.

The authority who issued this impugned proceedings is not under challenge. Transfer is not only an incident of service but also one of the service conditions. Unless transfer is vitiated for reason of *mala fides* or by way of punishment or contrary to the regulations of the Corporation governing the service conditions, normally, this Court will not interfere with the transfer orders. The only ground on which the petitioners seek to cancel this transfer order is the studies of their children will be effected. That question cannot be a ground for stopping the transfer order. Therefore, the order under challenge does not suffer from any legal infirmities so as to call for interference by this Court and the writ petition is devoid of merit.

The writ petition is accordingly dismissed. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

18th February, 2005.

bcj

To

1 The Regional Manager, A.P. State Road Transport

Corporation, Vijayawada, Krishna Region, Krishna District

2 Two C.D. copies.